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May 14, 2008

Testimony begins in day-care death

Trace Christenson
The Enquirer

The day had begun normally for Michelle O'Connor.

Until her son died.

O'Connor arrived at Ruthann Jarvis' day-care center in Springfield about 6:25 a.m. Sept. 26, 2007.

She took her daughter and 5-month-old son, Damien Lewis, inside.

"He was wiggly and happy and he wasn't crying or fussing," O'Connor said. "(Jarvis) was saying what a good little boy he was."

O'Connor said she had to leave by 6:35 a.m. to reach her job by 7 a.m.

But her supervisor called her to the phone at 7:10 a.m. and she heard the voice of Jarvis' husband, Lionel, "and he told me my son wasn't breathing."

Damien Lewis wouldn't breath again.

He was taken by ambulance to Battle Creek Health System, where doctors pronounced him dead at 7:53 a.m.

O'Connor was the first witness in the second-degree murder and second-degree child abuse trial of Jarvis, 49.

She was charged after an autopsy showed high levels of the prescription sleep aid Ambien. If convicted, she faces up to life in prison. Testimony continues today in Calhoun County Circuit Court before Judge Allen Garbrecht.

During his opening statement to the jury, Prosecutor John Hallacy said he expects to prove Jarvis placed an adult dose of the drug between the cheek and gum of the child because he was fussy from teething.

"That action killed a 5-month-old child because he was teething and fussy and she had to run a day care," Hallacy said.

He told the jury they will hear several statements Jarvis gave police, first denying and then admitting what she did.

Defense attorney Ron Pichlik cautioned jurors not to allow their emotions to cloud their judgment.

"This is an emotional case," he said during jury selection. "We have a dead child in this case but sympathy can't be a substitute for evidence."

Melissa West, a friend of Jarvis', testified Jarvis told her a few days before the child died Jarvis was not sleeping because of marital problems.

West said she gave Jarvis some Ambien left over after her grandmother died.

"She was my friend and I wanted to help her," West said.

Once the autopsy showed poisoning from the Ambien, West said Jarvis called and asked her not to tell police about supplying the drug.

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May 14, 2008

Wayne Kangas and Brian Mackie: Preventing abuse in homes is key anti-crime effort

State has to invest in programs that target child abuse

We are all familiar with stories of children being battered and even murdered. We know that if we do not end this cycle of abuse, it will repeat itself in the next generation leaving its toll on innocent children with tremendous social and crime costs.

Therefore, we are asking our lawmakers to prioritize voluntary programs that increase family functioning and prevent abuse and neglect and future criminality.

During 2007, there were 29,638 Michigan children confirmed to be victims of child abuse and neglect. Of all confirmed cases, more than a third involved children under age 4. 18,771 children were in out-of-home placement or under legal guardianship as the result of child abuse and neglect.

The Third National Incidence Study of Child Abuse and Neglect tells us that a truer number of abused and neglected children nationally is three times higher than documented cases. Given this grim conclusion, we can sadly surmise that nearly 89,000 Michigan children are subject to abuse and neglect by an adult who is supposed to be caring for them.

As law enforcement leaders, we know "parent coaching" or "home visiting" is a proven way to reduce child abuse and neglect. Parent education programs help by providing parents with the skills to understand the health and nutrition needs of newborns, promote their child's development, make their home safe, and avoid discipline that can, with anger, turn into serious abuse.

The voluntary programs offer parents - especially first-time, at-risk parents - weekly visits from nurses or other trained coaches starting at pregnancy and continuing until at least the child's second birthday. Having a trained professional guide these at-risk parents can have an enormous effect on helping them care for their newborns and developing children.

Our experience has taught us that one of the best ways to deter future criminality in adults is to stop them from being abused or neglected as children. Research shows that children who survive abuse and neglect are more likely to struggle throughout their lives with chronic unemployment, more marital problems, attempted suicide, and other problems that lead to crime and violence.

In 2005, the direct cost of child abuse and neglect in Michigan was an estimated \$531 million. It would be worse had it not been for prevention efforts currently operating in Michigan that saved an estimated \$41 million in direct costs.

The names and faces of innocent children who are victimized each year are constant reminders that we need to do more to support parents to become better caretakers, and to stop this cycle of violence.

Our lawmakers have an opportunity to reach many more at-risk parents with this proven crime-fighting approach by increasing the state investment and by passing the federal Education Begins at Home Act. EBAH would provide grants to states to support parent coaching programs. Michigan stands to receive nearly \$14 million.

We are fortunate that many of our lawmakers understand the issue. We need their commitment now to press forward and demand these public investments.



Officer to face trial in assault case

By ANN ZANIEWSKI
Of The Oakland Press

A woman tearfully testified Tuesday that her husband, a Shelby Township police officer, slammed her head on the ground and threatened to kill her while holding a gun after the couple left a Rochester bar in April.

David Essad, 34, has been charged with felonious assault with a gun, a four-year felony, and aggravated domestic violence, a one-year misdemeanor. His preliminary exam in 52-3 District Court concluded with a judge binding the case over to circuit court. The sole witness in the exam was Julie Essad, David Essad's wife of 5 1/2 years. She has filed for divorce.

The couple visited Gus O'Connor's in Rochester on April 11 to celebrate her birthday. Julie Essad testified that David Essad drank heavily and, apparently upset because she spoke to an ex-boyfriend, began yelling and swearing at her in the car as they drove home later that night. The couple lived in Oakland Township.

Julie Essad said she was behind the wheel heading north on Rochester Road when her husband repeatedly pulled her hair and banged her head against the driver's side window. She said she pulled into a parking lot at Tienken and Rochester roads, and David Essad continued to scream and bit her ear.

Julie Essad said her husband pulled out his .45-caliber semiautomatic handgun. She said he held the gun up, but didn't point it directly at her, and said, "You need to f----- die."

Julie Essad said David Essad pulled the magazine out of the gun and threw the gun on the car floor. Julie Essad said she ran from the car and David Essad threw her to the ground and repeatedly banged her head on the pavement.

A passerby called 9-1-1.

"I said, 'Please stop because I feel like you're going to crush my skull,'" Julie Essad said.

Julie Essad suffered a closed head injury, a broken nose, bruises and other injuries.

David Essad's defense attorney, Jerome Sabbota, noted during questioning that Julie Essad didn't mention in her written statement to deputies that David Essad threatened her while holding the gun. He said that detail first came out as Julie Essad filed a lawsuit against her estranged husband.

Sabbota told 52-3 District Court Judge Nancy Tolwin Carniak that David Essad unloaded the gun and never pointed it at Julie Essad, so there's no evidence that he committed felonious assault with a dangerous weapon.

"I think his intent is clear," countered Oakland County Assistant Prosecutor Ian Simons.

Carniak said the gun didn't have to be pointed directly at Julie Essad to constitute felonious assault. She bound David Essad over to circuit court on both charges.

David Essad is free on bond. He has been ordered to wear a tether and have no contact with Julie Essad. Sabbota asked that the tether be removed because of the cost to maintain it, and Carniak denied the request.

Sabbota said David Essad, who formerly worked for the Detroit Police Department, was suspended from the Shelby Township Police Department pending the trial's outcome.

Essad will be arraigned by Oakland Circuit Judge Shalina Kumar on the criminal charges. A date has not yet been set.

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May 14, 2008

Albion standoff ends with gunman's arrest

Nick Schirripa
The Enquirer

ALBION — An Albion man was arrested this morning after a four-hour standoff with police.

Albion Public Safety Director Eric Miller said a 30-year-old woman ran into the station around 5:30 a.m. today and said her boyfriend, 34, had assaulted her and shot at her once with a handgun.

The woman left behind her five children — between the ages of 2 and 10 — and her boyfriend in her rental house at 701 S. Superior St. near downtown, Miller said.

Miller said the woman was warned by her boyfriend that she and the children would be killed if she brought police back to the house.

Police responded to the address and the man, whose name is not being released pending arraignment on Thursday, let the two older children get on a school bus around 7:20 a.m.

Miller said officers stopped the bus, took the children off and reunited them with their mother.

Miller said a standoff between the man and police ensued. Around 9:30 a.m., the man walked into the street unarmed and was arrested by officers on Albion's emergency response team.

The three children still in the home were then reunited with their mother.

Many details about the man were unavailable shortly after the incident, but Miller said the man had been arrested before and he had a history of domestic violence.

Look for the complete story Thursday in the Battle Creek Enquirer and online at battlecreekenquirer.com.



May 14, 2008

Homeless man found slain behind Lansing VOA shelter

Woman, 43, arrested; friend says victim's throat was slashed

Kevin Grasha

Lansing State Journal

Monday morning began like many others in a wooded area behind the Volunteers of America homeless shelter in Lansing.

Michael Carrigg and Scott Dotson woke with their friend in a camper in the area off of North Larch Street, known as the "Back 40," and, at about 9 a.m., the homeless men shared two pints of Crystal Palace vodka, according to Dotson.

Ten hours later, Carrigg, 46, said he found the friend's body with his throat slashed at about 7 p.m. on the ground near the camper, covered neatly with a blanket as if he were sleeping. His boots were visible.

When Carrigg removed the blanket, he said, he saw the throat wounds.

"Whoever did it, cut him good," Carrigg said.

Police said they have arrested a 43-year-old Lansing woman in connection with the killing. No charges had been filed as of Tuesday.

Police did not identify the man, who they said was in his 50s, because some relatives had not been notified. His friends identified him only by a nickname.

Police would not confirm the cause of death. Lansing police Lt. Noel Garcia said withholding the information would help investigators question witnesses.

"That really is going to help us determine who knows anything that is going to help us," Garcia said.

VOA officials say the organization does not own the wooded area behind its shelter, nor does it control it.

The man was "chronically homeless" and had been in and out of the VOA shelter for at least three or four years, said Patrick Patterson, the organization's vice president of operations.

"He was one of the half dozen or so people who I was most concerned about because he was most likely to be out on his own," Patterson said.

Patterson said homeless men generally have a much higher risk of death than the general population.

He added the problems of substance abuse, mental illness and violence are concentrated in the homeless population.

Dotson said that for alcoholics who live on the streets, it is usually safer to drink and pass out during the day than sleep at night.

That's also when there is danger of being pickpocketed or "rolled."

Dotson said his friend received two benefits checks twice monthly.

Dotson said he last saw his friend at about noon Monday. He was walking into the VOA shelter, apparently arranging to have some prescription medication sent to the shelter, Dotson said.

Neither Dotson nor Carrigg saw him when they woke up in the camper at about 4:30 p.m. and headed to dinner at the shelter. Carrigg, the first to return, said he saw that blankets and other items were scattered about. Dotson said he heard Carrigg yelling and rushed to the camper.

He said he touched his friend's lifeless body and it was still warm. "It was a horrific sight," he said.

Contact Kevin Grasha at 267-1347 or kgrasha@lsj.com.



May 14, 2008

Farm bill not perfect, but it'll help kids and families

The latest version of the federal farm bill, which emerged last week from a conference committee in Congress, has many flaws and epitomizes the sausage-making type of legislative deal that is a hallmark of Washington politics -- complete with earmarks dropped in at the last minute. But it still has to be taken on balance and, with food prices escalating, the bill's boost in food stamps and other nutrition programs clearly tips the scales for passage.

President George W. Bush has threatened a veto, saying Congress didn't cut subsidies enough. He's right on the need for more cuts, but it's a curious stance for a president who signed the last goody-laden farm bill without hesitation.

This bill does cut some of the wealthiest farmers out of the largesse. It also makes progress in areas such as soil conservation and cellulosic biofuels, in ways that should be particularly helpful in Michigan.

None of that would probably be enough, however, if it weren't for the fact that nearly three-quarters of the spending over the next five years would go to food assistance -- that is, not to farmers, but to hungry schoolchildren and families facing hard times. That's an increase of \$10 billion, roughly \$17 million of which would arrive in Michigan next year alone.

Not only will the amount of assistance rise, but the bill for the first time would adjust household allotments annually for inflation. That's crucial for struggling families, especially as the country seems mired in a period of inflation combined with economic hardship.

In purely selfish terms, Michigan also gains considerably from terms that reflect U.S. Sen. Debbie Stabenow's presence on the Senate committee that drafted the bill and the House-Senate conference committee. Stabenow's chief project has been getting access for fruit and vegetable growers to farm-related programs that hadn't previously included them. Her success should pay off here.

If next year offered the prospect of a perfect farm bill, it might be better to wait. But a new administration may not stand any firmer on farm excesses than Bush did in his first term.

In the meantime, keeping the status quo for at least another year puts more families at risk of hunger. Congress should pass this bill with a veto-proof majority.

The Detroit News
Wednesday, May 14, 2008

State budget looks bleaker

Officials expect to collect \$19M less than projected for this year; \$434M less for next year.

Mark Hornbeck / Detroit News Lansing Bureau

LANSING -- Despite predictions that Michigan's economy would begin to recover in 2009, fiscal experts now believe state revenues will be more than \$400 million short of their forecast.

The state Treasury will take in \$19 million less than initially forecast this year and \$434 million less in the fiscal year that starts Oct. 1 -- even after last year's increases in income and business taxes, according to a report Tuesday by the House Fiscal Agency. That means lawmakers will have less to spend as they debate next year's budget, but overall spending still will be about \$50 million more than this year.

The lower revenue forecast issued by the agency, an arm of the House, is significantly lower than January estimates.

Also Tuesday, Treasury officials reported that the new Michigan Business Tax generated about \$40 million less in the first quarter of this year than its expired predecessor. But officials aren't pulling the alarm yet, saying it's too early to draw conclusions about revenue that the new tax may raise, since businesses are still getting used to it, and there's no established track record yet.

The state's gloomier financial picture is chiefly due to:

- A languishing national economy further dragging down Michigan's.
- The federal tax break received by businesses as part of President Bush's economic stimulus package. Because the new state business levy is linked to

federal business income, the state will lose about \$100 million in revenue.

- A new, 40 percent credit to spur film production in Michigan that will cost the state's general fund about \$100 million.

- Reductions in state property tax receipts for school aid due to declining home values, and a drop-off in the tax on home sales attributable to the dead housing market.

"Yeah, it's tight. It'll be difficult to do new programs, difficult to fund increases," said Mitchell Bean, director of the House Fiscal Agency.

The state's general fund and school aid fund total \$20.6 billion this year, so the \$19 million shortfall won't drastically impact current year spending. But lawmakers, who haven't yet adopted a 2008-09 spending plan, will have to scale back their expectations for that budget. Original projections for next year's revenues totaled \$21.06 billion, compared to the revised \$20.63 billion

The lower revenue projected for this year would reduce the anticipated surplus from \$259 million to about \$240 million. Most of that surplus, state officials say, has already been spoken for.

Bean will huddle Friday with state Treasurer Robert Kleine and the Senate Fiscal Agency's director, Gary Olson, to formally revise their forecast of how much money the state will take in over the next couple of years. The trio has been predicting for several years that a state recovery is just around the corner, but that corner keeps getting pushed farther into the future.

As a result, state officials have cut spending and raised taxes.

Gov. Jennifer Granholm says she has slashed more than \$3 billion since she took office in 2003. Among the programs suffering the most: Revenue sharing with municipalities is down \$1.5 billion and funding of state universities is down \$250 million.

She and lawmakers last year raised the state income tax from 3.9 percent to 4.35 percent and slapped a 22 percent surcharge on the new business tax.

The Senate Fiscal Agency will release its revenue projections this afternoon, but Olson said Tuesday they paint a similar picture.

Add a sharp decline in state tobacco tax receipts to the list of negative factors, he said.

"When you look at the impact of all those things, we'll be down substantially," he said.

Tobacco purchases have been declining by a percent or two for several years but this year they are down 6 percent. Numbers crunchers say they don't exactly know why, but among the

possible explanations: people are paying more for food and gas, leaving less for smokes; and smokers may be buying their cigarettes elsewhere, at a cheaper price.

"As the price of gas goes up, are people buying fewer cigarettes or are they buying them from other places, like over the Internet?" said Jay Wortley, economist for the Senate Fiscal Agency.

Comparisons risky

The reworked Michigan Business Tax, which went on the books in January, generated \$466 million in February through April, compared to \$507 million from its predecessor, the Single Business Tax, during the same period a year ago. Lawmakers repealed the despised payroll-based SBT last year and replaced it with a new levy based on in-state sales and profits.

But Treasury officials urged caution about drawing any conclusions from the early numbers.

"It's not apples to apples," said Treasury spokesman Terry Stanton. "The SBT numbers from last year include annual payments, refunds, and other things. The MBT figure is for estimated payments only. More time is needed to be able to do any comparisons ... like this time next year."

Olson, of the Senate Fiscal Agency, agreed that analysts can't say with any certainty how the new Michigan Business Tax will perform in its rookie year. But he said predictions from some in the business community that the tax would bring in dramatically more than initially estimated appear to be unfounded -- so far.

"It's coming in around what we thought," Olson said. "There is a level of uncertainty in these estimates, though. Only time will truly tell."

Many businesses have been howling about whopping increases in their tax bills.

Richard French, who works for a Farmington Hills accounting firm, said the state may well be taking in less than it generated under the SBT.

"But the problem is they're taking too much from a small group of businesses," French said. "They're hitting some service businesses too hard and letting others off with a big break."

The tax liability of some of his company's clients illustrates the point, French said. One of his service business clients saw its tax bill balloon from \$40,000 to \$140,000.

The state tax burden for a local pet supply store increased from \$24,000 to \$84,000. His firm's tax liability shot up from \$6,000 under the SBT to \$24,000 under the MBT, he said.

About seven in 10 state businesses get a break under the new tax, Treasury reports, and among the big beneficiaries are manufacturers, large retail stores and construction companies.

Tricia Kinley, tax policy expert for the Michigan Chamber of Commerce, said "we continue to be skeptical" about business tax collection data.

"You've got a lot of carry forward provisions and a lot of unknowns. And the Treasury Department itself has not made final determinations on rules and regulations, so how could any business know exactly what's owed? It's just a mess."

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